

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HIGHER EDUCATION LOAN )  
AUTHORITY OF THE STATE OF )  
MISSOURI, )  
 ) Plaintiff, )  
 ) )  
v. ) Case No.: 4:10-CV-01230 JAR  
 )  
WELLS FARGO BANK, N.A., *et al.*, )  
 ) Defendants. )

**THOMPSON COBURN LLP'S  
MOTION TO QUASH THE SUBPOENA DIRECTED  
TO MS. SARA KOTTHOFF AND FOR PROTECTIVE ORDER**

COMES NOW non-party Thompson Coburn LLP ("Thompson Coburn") and seeks to quash Defendants' February 1, 2012, Subpoena and Notice of Deposition issued by Defendants (attached to the accompanying memorandum as **Exhibit A**) to Sara Kotthoff ("Ms. Kotthoff"), one of Thompson Coburn's partners, or alternatively for a protective order prohibiting the taking of Ms. Kotthoff's deposition until third-party defendant Depfa Bank, PLC ("Depfa") is prepared to participate in Ms. Kotthoff's deposition. In support of its motion, Thompson Coburn states as follows:

1. Pursuant to the subpoena issued by Defendants, Ms. Kotthoff's deposition is presently set for March 29, 2012. Thompson Coburn believes that a March 29, 2012 deposition of Ms. Kotthoff is premature and inappropriate because Depfa, who was recently added as a party to this case, has announced that it will not attend the deposition and wishes to reserve the right to further depose Ms. Kotthoff at a later date.

2. Federal courts routinely protect non-parties, like Ms. Kotthoff, from undue burden. Under the circumstances, this Court should protect Ms. Kotthoff from the prospect of multiple depositions and the significant burden associated with the preparation for and attendance at multiple depositions.

3. As required under Fed. R. Civ. P. 37(a)(1) and Local Rule 37-3.04(a), Thompson Coburn's undersigned counsel has conferred with Defendants' counsel in the good faith attempt to resolve these disputes without court intervention.

4. Counsel were unable to reach an accord that would eliminate the Court's consideration of this matter.

5. In support of its Motion, Thompson Coburn incorporates the Memorandum filed contemporaneously herewith, as well as accompanying Exhibits A and B.

WHEREFORE, Thompson Coburn LLP respectfully requests that the Court enter an order quashing the deposition notice of Ms. Sara Kothoff or alternatively granting a protective order prohibiting the deposition of Ms. Kotthoff until Depfa is prepared to participate in the deposition, and granting Thompson Coburn any further relief the Court deems just and proper.

Respectfully submitted,

THOMPSON COBURN LLP

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*Attorneys for Non-Party Thompson Coburn LLP*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was served via the Court's CM/ECF electronic filing system this 27<sup>th</sup> day of March, 2012, to:

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